

NOTICE OF INTENT

Department of Environmental Quality
Office of Water Resources
Water Quality Management Division

Under the authority of the Environmental Quality Act, R.S. 30:2001 et seq., and in accordance with the provisions of the Administrative Procedure Act, R.S. 49:950, et seq., the secretary gives notice that rulemaking procedures have been initiated to amend the Water Quality regulations, LAC 33:IX.1113.C.5 (Log #WP028).

The present bacteria standards will be revised by stating that the primary contact recreation criteria shall be applied during the months in which primary contact recreation such as swimming, tubing, or water skiing activities in the state are likely to occur. Secondary contact recreation criteria would apply to the non-recreational period to be protective of any incidental contact. Drinking water supply and oyster propagation water uses will continue to require year-long application of the most stringent criteria applicable to those uses. The present bacteria criteria language in the Louisiana Surface Water Quality Standards establish numerical criteria for four designated water uses: primary contact recreation, secondary contact recreation, drinking water supply, and oyster propagation. The language presently requires application of the criteria all year long for each use. It is recognized that the water uses of drinking water supply and oyster propagation require year-long application. However, primary contact recreation such as swimming, water skiing, and tubing is entirely seasonal and is not occurring for many months during the year. Therefore, it is appropriate to establish a representative seasonal recreational period for application of the very stringent criteria for primary contact recreation. This approach will ensure that primary contact recreation criteria are most effectively applied to protect the swimming use when it is occurring and not applied when the use is not occurring.

The basis and rationale for this rule is to amend the Louisiana Surface Water Quality Standards to allow for seasonal application of the very stringent bacteria criteria for primary contact recreation. The establishment of a recreational period was developed by assessing a review of the typical beginning and ending of swimming activities in popular state waterbodies. Water temperature data by month from representative waterbodies were also assessed.

This proposed rule meets the exceptions listed in R.S. 30:2019 (D) (3) and R.S.49:953 (G) (3); therefore, no report regarding environmental/health benefits and social/economic costs is required.

A public hearing will be held on January 26, 1998, at 1:30 p.m. in the Maynard Ketcham Building, Room 326, 7290 Bluebonnet Boulevard, Baton Rouge, LA 70810. Interested persons are invited to attend and submit oral comments on the proposed amendments. Should individuals with a disability need an accommodation in order to participate, contact Patsy Deaville at the address given below or at (504) 765-0399.

All interested persons are invited to submit written comments on the proposed regulations. Commentors should reference this proposed regulation by WP028. Such comments must be received no later than February 2, 1998, at 4:30 p.m., and should be sent to Patsy Deaville, Investigations and Regulation Development Division, Box 82282, Baton Rouge, LA 70884 or to FAX (504) 765-0486. Copies of this proposed regulation can be purchased at the above referenced address. You may contact the Investigations and Regulation Development Division at (504) 765-0399 for pricing information. Check or money order is required in advance for each copy of WP028.

This proposed regulation is available for inspection at the following DEQ office locations from 8 a.m. until 4:30 p.m.: 7290 Bluebonnet Boulevard, Fourth Floor, Baton Rouge, LA 70810; 804 Thirty-first Street, Monroe, LA 71203; State Office Building, 1525 Fairfield Avenue, Shreveport, LA 71101; 3519 Patrick Street, Lake Charles, LA 70605; 3501 Chateau Boulevard West Wing, Kenner, LA 70065; 100 Asma Boulevard, Suite 151, Lafayette, LA 70508; or on the Internet at <http://www.deq.state.la.us/olae/irdd/olaeregs.htm>.

Linda Korn Levy
Assistant Secretary

TITLE 33

ENVIRONMENTAL QUALITY

PART IX. WATER QUALITY REGULATIONS

Chapter 11. Surface Water Quality Standards

§1113. Criteria

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(See Prior Text in A - C.5.b)

i. Primary Contact Recreation. Based on a minimum of not less than five samples taken over not more than a 30-day period, the fecal coliform content shall not exceed a log mean of 200/100 mL, nor shall more than 10 percent of the total samples during any 30-day period or 25 percent of the total samples collected annually exceed 400/100 mL. These primary contact recreation criteria shall apply only during the defined recreational period of May 1 through October 31. During the non-recreational period of November 1 through April 30, the criteria for secondary contact recreation shall apply.

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(See Prior Text in C.5.b.ii-Table 1.Footnote 10)

AUTHORITY NOTE: Promulgated in accordance with R.S. 30:2074(B)(1).

HISTORICAL NOTE: Promulgated by the Department of Environmental Quality, Office of Water Resources, LR 10:745 (October 1984), amended LR 15:738 (September 1989), LR 17:264 (March 1991), LR 17:967 (October 1991), repromulgated LR 17:1083 (November 1991), amended LR 20:883 (August 1994), LR 24.